

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEREK DEYOUNG,

Plaintiff,

v.

BGROUP, LTD., et al.,

Defendants.

Case No. 1:20-cv-51

HON. JANET T. NEFF

ORDER

Having considered Plaintiff's briefing, exhibits, argument, and security bond, and in accordance with the Bench Opinion issued by the Court on February 3, 2020, the Court finds that the balance of factors weighs in favor of extending temporary injunctive relief to protect Plaintiff from further alleged copyright infringement until this Court hears Plaintiff's January 29, 2020 motion for a preliminary injunction. Accordingly:

IT IS HEREBY ORDERED that the temporary injunctive relief this Court provided in its January 22, 2020 Order (ECF No. 7) is EXTENDED for the reasons stated on the record. Specifically, pursuant to Federal Rules of Civil Procedure 64 and 65,

1. Each Defendant, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them having notice of this Order are hereby TEMPORARILY RESTRAINED from
 - a. Reproducing, preparing derivative works of, distributing copies of, and displaying publicly Plaintiff DeYoung's Trout Confetti 1, Tarpon Flank—Late, and Dream Double 1 works;
 - b. Manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing Plaintiff DeYoung's Trout Confetti 1 or Tarpon Flank—Late trade dress or any confusingly similar trade dress;

- c. Secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products bearing Plaintiff DeYoung's Trout Confetti 1, Tarpon Flank—Late, and Dream Double 1; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing Plaintiff DeYoung's Trout Confetti 1 or Tarpon Flank—Late trade dress or any confusingly similar trade dress;
2. Each Defendant, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them having notice of this Order shall IMMEDIATELY DISCONTINUE the use of the Trout Confetti 1 and Tarpon Flank—Late trade dress or any confusingly similar trade dress on or in connection with the sale of goods and all internet websites owned and operated or controlled by them;
3. Upon receipt of notice of this Order, **PayPal, Inc.** ("PayPal") and its related companies and affiliates will CONTINUE TO RESTRAIN all funds identified by PayPal as related to the PayPal account recipients BGroup, Ltd., Manh Quan Truong, Printabel Company Limited, and Thuy Phan Thien Ha Dong, including, but not limited to, accounts associated with shopbase.com, kayleeandtepid.com, lushgood.com, lannadecor.com, hmcozy.com, azcozy.com, cozynfancy.com, aquacozy.net, and cozzian.com, as well as all funds in or which are transmitted into (i) any other related accounts of the same customer(s), and (ii) any other accounts which transfer funds into the same financial institution account(s). The restrained funds may be released only by future order of this Court.
4. Upon receipt of notice of this Order, **Stripe, Inc.** ("Stripe") and its related companies and affiliates will CONTINUE TO RESTRAIN all funds identified by Stripe as related to the Stripe account recipients BGroup, Ltd., Manh Quan Truong, Printabel Company Limited, and Thuy Phan Thien Ha Dong, including, but not limited to, accounts associated with shopbase.com, kayleeandtepid.com, lushgood.com, lannadecor.com, hmcozy.com, azcozy.com, cozynfancy.com, aquacozy.net, and cozzian.com as well as all funds in or which are transmitted into (i) any other related accounts of the same customer(s), and (ii) any other accounts which transfer funds into the same financial institution account(s). The restrained funds may be released only by future order of this Court.
5. Upon receipt of notice of this Order, **BlueSnap, Inc.** ("BlueSnap") and its related companies and affiliates will CONTINUE TO RESTRAIN all funds identified by BlueSnap as related to the BlueSnap account recipients BGroup, Ltd., Manh Quan Truong, Printabel Company Limited, and Thuy Phan Thien Ha Dong, including, but not limited to, accounts associated with shopbase.com, kayleeandtepid.com, lushgood.com, lannadecor.com, hmcozy.com, azcozy.com, cozynfancy.com, aquacozy.net, and cozzian.com as well as all funds in or which are transmitted into (i) any other related accounts of the same customer(s), and (ii) any other accounts which transfer funds into the same financial institution account(s). The restrained funds may be released only by future order of this Court.

6. Upon receipt of notice of this Order, **Payoneer, Inc.** (“Payoneer”) and its related companies and affiliates will RESTRAIN all funds identified by Payoneer as related to the Payoneer account recipients BGroup, Ltd., Manh Quan Truong, Printabel Company Limited, and Thuy Phan Thien Ha Dong, including, but not limited to, accounts associated with shopbase.com, kayleeandtepid.com, lushgood.com, lannadecor.com, hmcozy.com, azcozy.com, cozynfancy.com, aquacozy.net, and cozzian.com as well as all funds in or which are transmitted into (i) any other related accounts of the same customer(s), and (ii) any other accounts which transfer funds into the same financial institution account(s). The restrained funds may be released only by future order of this Court.
7. Upon receipt of notice of this Order, **First Century Bank N.A.** (“First Century Bank”) and its related companies and affiliates will RESTRAIN all funds identified by First Century Bank as related to the First Century Bank account recipients BGroup, Ltd., Manh Quan Truong, Printabel Company Limited, and Thuy Phan Thien Ha Dong, including, but not limited to, accounts associated with shopbase.com, kayleeandtepid.com, lushgood.com, lannadecor.com, hmcozy.com, azcozy.com, cozynfancy.com, aquacozy.net, and cozzian.com as well as all funds in or which are transmitted into (i) any other related accounts of the same customer(s), and (ii) any other accounts which transfer funds into the same financial institution account(s). The restrained funds may be released only by future order of this Court.

IT IS FURTHER ORDERED that Defendants shall file a Response to Plaintiff’s Motion for Preliminary Injunction (ECF No. 21) not later than Monday, February 10, 2020.

IT IS FURTHER ORDERED that Defendants shall appear in this Court on February 14, 2020 at 10:00 a.m., 401 Ford Federal Building, 110 Michigan Street NW, Grand Rapids, Michigan to show cause why a preliminary injunction should not be issued for the pendency of this case. All trial counsel of record shall be present in person at the February 14, 2020 Show Cause Hearing.

IT IS FURTHER ORDERED that the Clerk’s Office is directed to UNSEAL the documents previously sealed in this case (ECF Nos. 2–4, 10–13, 15 & 17–20) and to provide FULL ACCESS to the documents previously filed under restricted access in this case (ECF Nos. 5–7, 14 & 16). No future documents should be filed either under seal or under restricted access in this case, absent further Order of the Court.

IT IS FURTHER ORDERED that this Order will remain in effect until the date of the hearing, as set forth above, unless extended for good cause, or until further Order of the Court.

Dated: February 3, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge